

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

TEXAS GUN RIGHTS, INC.,
and NATIONAL ASSOCIATION
FOR GUN RIGHTS INC.,

Plaintiffs,

v.

Civil Action No. 4:23-cv-00578-O

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES,

Defendant.

APPENDIX TO PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION

Under Local Rule 7.1(i), Plaintiffs file this Appendix in Support of their Motion for Preliminary Injunction, which contains the following documents:

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ATF, Firearms Guide, Identification of Firearms, Section 5	App. 4
ATF, Open Letter on the Redesign of “Stabilizing Braces,” (Jan. 16, 2015).....	App. 5–6
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ATF, Letter from John Spencer, Chief of Firearms Technology Branch (Nov. 26, 2012)	App. 10–11
ATF, Open Letter on the Redesign of “Stabilizing Braces,” from Max Kingery, Acting Chief, Firearms Technology Criminal Branch, Firearms and Ammunition Technology Division, ATF (Jan. 16, 2015).....	App. 12–13

Letter for Mark Barnes, Outside Counsel to SB Tactical, LLC
from Marvin G. Richardson, Assistant Director, Enforcement Programs
and Services, ATF, 90000:GM, 5000 (Mar. 21, 2017).....App. 14–16

ATF, “Commercially Available Firearms Equipped With A
Stabilizing Brace That Are Short-Barreled Rifles”App. 17–54

ATF, Firearms Commerce in the United States (2020)App. 55–76

Dated this 15th day of June, 2023.

Respectfully Submitted,

THE LAW OFFICE OF JASON NASH, P.L.L.C.

s/ Jason C. Nash

Jason C. Nash (Texas Bar No. 24032894)
601 Jameson Street
Weatherford, TX 76086
Telephone: (817) 757-7062
Jnash@jasonnashlaw.com

WISCONSIN INSTITUTE FOR
LAW & LIBERTY, INC.

Richard M. Esenberg (*pro hac vice pending*)
Daniel P. Lennington (*pro hac vice pending*)
Lucas T. Vebber (*pro hac vice pending*)
330 East Kilbourn Avenue, Suite 725
Milwaukee, WI 53202
Telephone: (414) 727-9455
Facsimile: (414) 727-6385
Rick@will-law.org
Dan@will-law.org
Lucas@will-law.org

ARRINGTON LAW FIRM

Barry K. Arrington (*pro hac vice forthcoming*)
(Texas Bar No. 24129555)
4195 Wadsworth Boulevard
Wheat Ridge, CO 80033
Telephone: (303) 205-7870
Barry@arringtonpc.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2023, I electronically filed this appendix using the CM/ECF system. Thus far, no appearances have been filed in this case, however, service was accepted electronically by AUSA Brian Stoltz on behalf of the U.S. Attorney's office. Accordingly, AUSA Stoltz will be served this appendix via email, Attorneys Pitz, Lowenstein, and Drezner will be sent courtesy copies via email, and copies of this appendix will be served via mail on the following per Fed. R. Civ. P. 4(i):

Office of the Attorney General
of the United States
950 Pennsylvania Ave, N.W.
Washington, DC 20530-0001

Bureau of Alcohol, Tobacco,
Firearms and Explosives
99 New York Avenue, NE
Washington, DC 20226

Dated this 15th day of June, 2023.

s/ Jason C. Nash

Jason C. Nash

Firearms Guide - Identification of Firearms - Section 5

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12ga. Crude Manufacture

Classification

Weapon Made from a Shotgun

Distinctive Characteristics

Barrel less than 18 inches and/or overall length less than 26 inches, stock altered, barrel cut down. Often mistakenly called a "sawed off shotgun." In this instance overall length is determining factor. However, if the overall length is 26 inches or more and barrel less than 18 inches, this weapon would still be classified as a firearm under the Act.

Rate of Transfer Tax

\$200.00



Short Barreled Rifle

Classification

Short Barreled Rifle

Distinctive Characteristics

Rifle having a barrel or barrels of less than 16 inches in length.

Rate of Transfer Tax

\$200.00



Weapon Made from a Rifle

Classification

Weapon Made from a Rifle

Distinctive Characteristics

Overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length.

Rate of Transfer Tax

\$200.00



Last Reviewed September 22, 2016

OPEN LETTER ON THE REDESIGN OF “STABILIZING BRACES”

The Firearms and Ammunition Technology Division (FATD), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has received inquiries from the public concerning the proper use of devices recently marketed as “stabilizing braces.” These devices are described as “a shooter’s aid that is designed to improve the single-handed shooting performance of buffer tube equipped pistols.” The device claims to enhance accuracy and reduce felt recoil when using an AR-style pistol.

These items are intended to improve accuracy by using the operator’s forearm to provide stable support for the AR-type pistol. ATF has previously determined that attaching the brace to a firearm does not alter the classification of the firearm or subject the firearm to National Firearms Act (NFA) control. However, this classification is based upon the use of the device as designed. When the device is redesigned for use as a shoulder stock on a handgun with a rifled barrel under 16 inches in length, the firearm is properly classified as a firearm under the NFA.

The NFA, 26 USCS § 5845, defines “firearm,” in relevant part, as “a shotgun having a barrel or barrels of less than 18 inches in length” and “a rifle having a barrel or barrels of less than 16 inches in length.” That section defines both “rifle” and “shotgun” as “a weapon designed or *redesigned*, made or remade, *and intended to be fired from the shoulder...*” (Emphasis added).

Pursuant to the plain language of the statute, ATF and its predecessor agency have long held that a pistol with a barrel less than 16 inches in length and an attached shoulder stock is a NFA “firearm.” For example, in Revenue Ruling 61-45, Luger and Mauser pistols “having a barrel of less than 16 inches in length with an attachable shoulder stock affixed” were each classified as a “short barrel rifle...within the purview of the National Firearms Act.”

In classifying the originally submitted design, ATF considered the objective design of the item as well as the stated purpose of the item. In submitting this device for classification, the designer noted that

The intent of the buffer tube forearm brace is to facilitate one handed firing of the AR15 pistol for those with limited strength or mobility due to a handicap. It also performs the function of sufficiently padding the buffer tube in order to reduce bruising to the forearm while firing with one hand. Sliding and securing the brace onto ones forearm and latching the Velcro straps, distributes the weight of the weapon evenly and assures a snug fit. Therefore, it is no longer necessary to dangerously "muscle" this large pistol during the one handed aiming process, and recoil is dispersed significantly, resulting in more accurate shooting without compromising safety or comfort.

In the classification letter of November 26, 2012, ATF noted that a “shooter would insert his or her forearm into the device while gripping the pistol’s handgrip-then tighten the Velcro straps for additional support and retention. Thus configured, the device provides the shooter with additional support of a firearm while it is still held and operated with one hand.” When strapped to the wrist and used as designed, it is clear the device does not allow the firearm to be fired from the shoulder. Therefore, ATF concluded that, pursuant to the information provided, “the device

is not designed or intended to fire a weapon from the shoulder.” In making the classification ATF determined that the objective design characteristics of the stabilizing brace supported the stated intent.

ATF hereby confirms that if used as designed—to assist shooters in stabilizing a handgun while shooting with a single hand—the device is not considered a shoulder stock and therefore may be attached to a handgun without making a NFA firearm. However, ATF has received numerous inquiries regarding alternate uses for this device, including use as a shoulder stock. Because the NFA defines both rifle and shotgun to include any “weapon designed or *redesigned*, made or *remade*, and *intended to be fired from the shoulder*,” any person who *redesigns* a stabilizing brace for use as a shoulder stock makes a NFA firearm when attached to a pistol with a rifled barrel under 16 inches in length or a handgun with a smooth bore under 18 inches in length.

The GCA does not define the term “redesign” and therefore ATF applies the common meaning. “Redesign” is defined as “to alter the appearance or function of.” See e.g. Webster’s II New College Dictionary, Third Ed. (2005). This is not a novel interpretation. For example ATF has previously advised that an individual possesses a destructive device when possessing anti-personnel ammunition with an otherwise unregulated 37/38mm flare launcher. See ATF Ruling 95-3. Further, ATF has advised that even use of an unregulated flare and flare launcher as a weapon results in the making of a NFA weapon. Similarly, ATF has advised that, although otherwise unregulated, the use of certain nail guns as weapons may result in classification as an “any other weapon.”

The pistol stabilizing brace was neither “designed” nor approved to be used as a shoulder stock, and therefore use as a shoulder stock constitutes a “redesign” of the device because a possessor has changed the very function of the item. Any individual letters stating otherwise are contrary to the plain language of the NFA, misapply Federal law, and are hereby revoked.

Any person who intends to use a handgun stabilizing brace as a shoulder stock on a pistol (having a rifled barrel under 16 inches in length or a smooth bore firearm with a barrel under 18 inches in length) must first file an ATF Form 1 and pay the applicable tax because the resulting firearm will be subject to all provisions of the NFA.

If you have any questions about the issues addressed in this letter, you may contact the Firearms and Ammunition Technology Division at fire_tech@atf.gov or by phone at (304) 616-4300.



Max M. Kingery
Acting Chief
Firearms Technology Criminal Branch
Firearms and Ammunition Technology Division

Updated April 19, 2021

Handguns, Stabilizing Braces, and Related Components

On April 7, 2021, the White House announced that the Department of Justice has been directed to issue a proposed rule within 60 days (by June 6, 2021) to clarify when a device marketed as a stabilizing brace might turn a pistol into a short-barreled rifle. On December 18, 2020, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) published guidance in the *Federal Register* for public comment that indicated that it was preparing to reclassify certain **heavier, larger handguns (pistols) equipped with stabilizing braces** as more stringently regulated **short-barreled rifles**. Such a reclassification would retroactively trigger the more extensive paperwork and background check requirements of the 1934 National Firearms Act (NFA), and require registration of the owner and firearm with ATF. While this guidance was withdrawn on December 23, 2020, the proposed rule could address some of the same issues.

Stabilizing Brace: Shooter's Assist or Shoulder Stock?

Stabilizing braces are devices that can be attached to the rearward portion (breech) of a handgun or other pistol grip firearm's frame or receiver. The brace extends backwards, generally in alignment with the axis of the barrel(s), so the firearm can be secured to the shooter's forearm, while it is held by its pistol grip or other short stock, making a heavier, larger short-stocked firearm easier to handle. The first prototype stabilizing brace was designed to assist a veteran and service-connected amputee with firing an AR-type handgun singlehandedly. Stabilizing braces and similar devices, however, could serve more generally as a quasi-shoulder stock. The addition of shoulder stock to a short-stocked firearm could possibly change a firearm's classification under current law due to definitional differences between the NFA and Gun Control Act of 1968 (GCA).

ATF has long ruled that the attachment of a shoulder stock to a handgun or pistol grip firearm transformed that GCA-regulated firearm into an NFA-regulated short-barreled rifle or shotgun. In November 2012, however, ATF determined that attaching a stabilizing brace to an AR-type pistol would not change that firearm's classification from a solely GCA-regulated handgun to an NFA-regulated short-barreled rifle. Since then, many variations of stabilizing braces have been manufactured and sold in the United States. In 2015, in an Open Letter, ATF raised questions as to the legality of using or intending to use stabilizing braces as shoulder stocks. In several private letters, made public by the addressees, ATF appeared to walk back these considerations. In 2018, however, ATF charged an individual with unlawfully possessing an unregistered short-barreled rifle—an AR-type pistol equipped with a cheek rest, which is arguably a variant of a stabilizing

brace. ATF submitted that this cheek rest, when fully extended, constituted a shoulder stock, because its "length of pull" was greater than 13.5 inches (i.e., the distance from the trigger pad to the end of the cheek rest fully extended). The defendant was found not guilty by a jury, based partly on ATF's failure to take the measurement properly in alignment with the barrel's axis. This case is an example of how the absence of definitive determinations about the legality of firearms equipped with stabilizing braces and similar devices may create repercussions.

GCA- and NFA-Regulated Firearms

When Congress passed the GCA, it significantly amended and repassed the NFA as Title II of that measure. These acts include different, but respective definitions for the term "firearm" (18 U.S.C. §921(a)(3) and 26 U.S.C. §5845(a)). Under these definitions, all firearms regulated under the NFA are first regulated under the GCA. As discussed below, the three basic types of firearms regulated under the GCA are shotguns, rifles, and handguns.

SBSs, SBRs, AOWs, and DDs

The NFA further regulates short-barreled shotguns, or SBSs, and short-barreled rifles, or SBRs: (1) shotguns with barrels less than 18 inches in length, (2) rifles with barrels less than 16 inches in length, or (3) any existing shotgun or rifle that has been modified to be less than 26 inches in overall length by shortening its stock and/or barrel(s). (See 18 U.S.C. §§921(a)(6) and (8), and 26 U.S.C. §5845(a).)

Under "any other weapon," or AOW, the NFA regulates smoothbore handguns (less than 26 inches in overall length) and other "concealable" firearms with combination smoothbore and rifled bore barrels between 12 and 18 inches in length. The AOW classification also captures certain deceptive or disguised firearms (e.g., umbrella, belt buckle, and pen guns). The term "any other weapon" is defined at 26 U.S.C. §5845(e).

Under "destructive device," or DD, the NFA regulates "non-sporting" shotguns; firearms with barrel bore diameters greater than one-half inch (e.g., grenade launchers, bazookas, and mortars); as well as grenades, rockets, mortar rounds, mines, and other explosive devices (e.g., Molotov cocktails). Congress included similar definitions for the term "destructive device" in the GCA and NFA (18 U.S.C. §921(a)(4) and 26 U.S.C. §5845(f)). In addition, the NFA regulates machine guns and firearms silencers, which are beyond the scope of this In Focus.

Shotgun and Rifle Definitions

Congress included identical statutory standalone definitions for the terms "shotgun" and "rifle" under the GCA and NFA. The term "shotgun" means "a weapon designed or

redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger” (18 U.S.C. §921(a)(5) and 26 U.S.C. §5845(d)). The term “rifle” means “a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger” (18 U.S.C. §921(a)(7) and 26 U.S.C. §5845(c)).

From these definitions, it can be deduced that the defining characteristic of a long gun (shotgun or rifle) is that it is intended to be shoulder-fired, from which it follows that the defining feature of a long gun is a *shoulder stock* of some type. In addition, shotguns are “smoothbore.” The barrel of a rifle is “rifled bore,” and consists of lines and grooves machine-cut into the interior of the barrel (the bore) to spin a bullet as it travels at a high velocity down the barrel bore.

Handgun Definition and Other Pistol Grip Firearms

Under the GCA, the term “handgun” means “(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and (B) any combination of parts from which a firearm described in subparagraph (A) can be assembled” (18 U.S.C. §921(a)(29)). From this definition, it can be deduced that the defining feature of a handgun is its *short stock*, and that it is designed to be fired singlehandedly. The term handgun includes both pistols and revolvers (26 C.F.R. §§478.11 and 479.11). Under current law, *rifled bore handguns* are regulated solely under the GCA and there are no restrictions on the barrel or overall length of such handguns.

Smoothbore handguns are regulated under the NFA under the AOW classification. Since at least 1976, however, ATF has adopted 26 inches in overall length as the determining dimension that separates NFA-regulated “concealable” smoothbore handguns, or AOWs, from GCA-regulated short-stocked, smoothbore firearms. ATF adopted this presumptive dimension of concealability from the statutory definitions for short-barreled rifles and shotguns discussed above. ATF refers to these solely GCA-regulated short-stocked, smoothbore firearms, which are greater than 26 inches in overall length, as “pistol grip firearms.” The popularity of pistol grip firearms arguably increased in 2008, when ATF determined that the barrel length was “immaterial” to the classification of such firearms, while the 26 inches in overall length restriction remained unchanged. Prior to this, most firearms makers believed that the barrel of a pistol grip firearm had to be greater than 18 inches.

“Gray Area” in the Law?

In a potentially legal gray area, some GCA-regulated handguns and pistol grip firearms are dimensionally equivalent—in terms of their barrel lengths, overall lengths, and/or barrel bores—to other NFA-regulated firearms. As discussed above, it is unlawful to modify an existing rifle or shotgun by shortening its stock and/or barrel(s) into a short-barreled rifle or shotgun without following the NFA

requirements, which includes remitting a \$200 making tax. However, a handgun with equivalent dimensions does not trigger the NFA requirements, as long as a shoulder stock is never affixed to its frame or receiver.

The same is true for pistol grip firearms. However, ATF holds out the possibility of reclassifying pistol grip firearms as AOWs under the NFA if they are ever used in a concealed manner in the commission of a crime. Others counter that pistol grip firearms would be more properly classified as DDs, under ATF’s reasoning that these short-stocked, smoothbore firearms are “non-handguns” and “non-shotguns,” and are usually firearms with barrel bores of greater than one-half inch in diameter.

Larger, Heavier Handguns, and Pistol Grip Firearms

In the past 16 years, firearms manufacturers in the United States have successfully marketed certain larger, heavier handguns and other pistol grip firearms that arguably push the limits of current law definitions of firearms types and classes under current law. Some of these handguns are assembled around frames and receivers originally designed for AR- and AK-type rifles, and are sometimes chambered for mid-size rifle cartridges and shotgun shells.

Under the 1994-2004 Semiautomatic Assault Weapons (SAW) ban, some of these handguns could have been prohibited under its 50 ounce weight limit (unloaded) and other characteristics that defined an “assault pistol.” The SAW ban did not address pistol grip firearms substantively, as many of these firearms were pump-action, as opposed to semiautomatic, when the ban was enacted. The introduction of stabilizing braces and similar components has significantly increased the popularity of heavier, larger pistols and pistol grip firearms.

In the past eight years, larger, heavier handguns and pistol grip firearms have seen increased sales likely due, in no small part, to stabilizing braces. Most major firearms manufacturers are making firearms equipped with stabilizing braces as part of their featured product lines. While there are no available statistics to gauge authoritatively the number of stabilizing braces already made and sold in the United States, unofficial estimates suggest that there are between 10 and 40 million stabilizing braces and similar components already in civilian hands, either purchased as accessories or already attached to firearms made at home or at the factory. Altering the classification of firearms equipped with stabilizing braces would likely affect millions of owners.

Today, some firearms enthusiasts view GCA-regulated handguns and pistol grip firearms equipped with stabilizing braces as viable alternatives to the more strictly NFA-regulated short-barreled rifles and shotguns. At the same time, gun control advocates have called on ATF to reverse its determinations with regard to stabilizing braces, as well as, larger, heavier handguns and other pistol grip firearms. They view such firearms as “assault pistols” or “assault shotguns,” and have called on Congress to reconstitute an assault weapons ban.

William J. Krouse, Specialist in Domestic Security and
Crime Policy

IF11763

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Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, West Virginia 25405

www.atf.gov

903050:MMK

3311/2013-0172

NOV 26 2012

This refers to your recent correspondence and accompanying sample sent to the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), for evaluation. You are asking if the addition of this sample, a buffer tube forearm brace, would convert a firearm in a manner that would cause it to be classified as a "rifle" and thus a "firearm" regulated by the National Firearms Act (NFA), specifically, 26 U.S.C. § 5845(a).

The FTB evaluation revealed that the submitted device is constructed of a foam-type rubber (similar to that used in developing prosthetic devices) and two Velcro straps. The device (see enclosed photos) is molded to a pistol style buffer tube for an AR-type firearm, and is shaped to form an upside down "U".

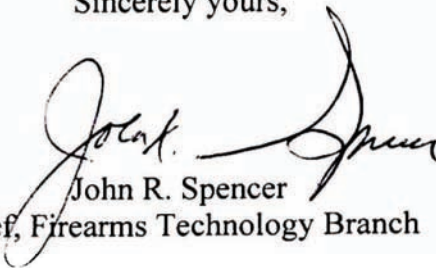
A shooter would insert his or her forearm into the device while gripping the pistol's handgrip—then tighten the Velcro straps for additional support and retention. Thus configured, the device provides the shooter with additional support of a firearm while it is still held and operated with one hand. We find that the device is not designed or intended to fire a weapon from the shoulder.

Based on our evaluation, FTB finds that the submitted forearm brace, when attached to a firearm, does not convert that weapon to be fired from the shoulder and would not alter the classification of a pistol or other firearm. While a firearm so equipped would still be regulated by the Gun Control Act, 18 U.S.C. § 921(a)(3), such a firearm would not be subject to NFA controls.

To facilitate the return of your submitted sample, please arrange for return shipping. This may be done via a UPS "cal-tag" pick-up or simply by using a return shipping label from the U.S. Postal Service or any common carrier. If you wish to accomplish return via "call-tag," please give FTB prior notice so the item can be readied for shipping since UPS will only make three pick-up attempts.

We thank you for your inquiry and trust the foregoing is responsive.

Sincerely yours,



John R. Spencer
Chief, Firearms Technology Branch

Enclosure

**ATF**Bureau of Alcohol, Tobacco,
Firearms and Explosives**Subscribe to updates from Bureau of Alcohol
Firearms and Explosives**

Email Address

e.g. name@e

ATF Firearms: Open Letter on the Redesign of "Stabilizing Braces"

Bureau of Alcohol, Tobacco, Firearms and Explosives sent this bulletin at 01/16/2015 04:33 PM EST

Share Bulletin

OPEN LETTER ON THE REDESIGN OF "STABILIZING BRACES"

The Firearms and Ammunition Technology Division (FATD), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is releasing this bulletin in the public concerning the proper use of devices recently marketed as "stabilizing braces." These devices are described as "a shooter aid that is designed to improve the single-handed shooting performance of buffer tube equipped pistols." The device claims to enhance accuracy and reduce felt recoil when using an AR-style pistol.



These items are intended to improve accuracy by using the operator's forearm to provide stable support for the AR-type pistol. ATF has previously determined that attaching the brace to a firearm does not alter the classification of the firearm or subject the firearm to National Firearms Act (NFA) control. However, this classification is based upon the use of the device as designed. When the device is redesigned for use as a shoulder stock on a handgun with a rifled barrel under 16 inches in length, the firearm is properly classified as a firearm under the NFA.

The NFA, 26 USCS § 5845, defines "firearm," in relevant part, as "a shotgun having a barrel or barrels of less than 18 inches in length" and "a rifle having a barrel or barrels of less than 16 inches in length." That section defines both "rifle" and "shotgun" as "a weapon designed or *redesigned*, made or remade, and *intended to be fired from the shoulder*...." (Emphasis added).

Pursuant to the plain language of the statute, ATF and its predecessor agency have long held that a pistol with a barrel less than 16 inches in length and an attached shoulder stock is a NFA "firearm." For example, in Revenue Ruling 61-45, Luger and Mauser pistols "having a barrel of less than 16 inches in length with an attachable shoulder stock affixed" were each classified as a "short barrel rifle...within the purview of the National Firearms Act."

In classifying the originally submitted design, ATF considered the objective design of the item as well as the stated purpose of the item. In submitting this device for classification, the designer noted that

The intent of the buffer tube forearm brace is to facilitate one handed firing of the AR15 pistol for those with limited strength or mobility due to a handicap. It also performs the function of sufficiently padding the buffer tube in order to reduce bruising to the forearm while firing with one hand. Sliding and securing the brace onto ones forearm and latching the Velcro straps, distributes the weight of the weapon evenly and assures a snug fit. Therefore, it is no longer necessary to dangerously "muscle" this large pistol during the one handed aiming process, and recoil is dispersed significantly, resulting in more accurate shooting without compromising safety or comfort.

In the classification letter of November 26, 2012, ATF noted that a "shooter would insert his or her forearm into the device while gripping the pistol's handgrip-then tighten the Velcro straps for additional support and retention. Thus configured, the device provides the shooter with additional support of a firearm while it is still held and operated with one hand." When strapped to the wrist and used as designed, it is clear the device does not allow the firearm to be fired from the shoulder. Therefore, ATF concluded that, pursuant to the information provided, "the device is not designed or intended to fire a weapon from the shoulder." In making the classification ATF determined that the objective design characteristics of the stabilizing brace supported the stated intent.

ATF hereby confirms that if used as designed—to assist shooters in stabilizing a handgun while shooting with a single hand—the device is not considered a shoulder stock and therefore may be attached to a handgun without making a NFA firearm. However, ATF has received numerous inquiries regarding alternate uses for this device, including use as a shoulder stock. Because the NFA defines both rifle and shotgun to include any "weapon designed or *redesigned*, made or *remade*, and *intended to be fired from the shoulder*," any person who *redesigns* a stabilizing brace for use as a shoulder stock makes a NFA firearm when attached to a pistol with a rifled barrel under 16 inches in length or a handgun with a smooth bore under 18 inches in length.

The GCA does not define the term "redesign" and therefore ATF applies the common meaning. "Redesign" is defined as "to alter the appearance or function of." See e.g. Webster's II New College Dictionary, Third Ed. (2005). This is not a novel interpretation. For example ATF has previously advised that an individual possesses a destructive device when possessing anti-personnel ammunition with an otherwise unregulated 37/38mm flare launcher. See ATF Ruling 95-3. Further, ATF has advised that even use of an unregulated flare and flare launcher as a weapon results in the making of a NFA weapon. Similarly, ATF has advised that, although otherwise unregulated, the use of certain nail guns as weapons may result in classification as an "any other weapon."

The pistol stabilizing brace was neither "designed" nor approved to be used as a shoulder stock, and therefore use as a shoulder stock constitutes a "redesign" of the device because a possessor has changed the very function of the item. Any individual letters stating otherwise are contrary to the plain language of the NFA, misapply Federal law, and are hereby revoked.

Any person who intends to use a handgun stabilizing brace as a shoulder stock on a pistol (having a rifled barrel under 16 inches in length or a smooth bore firearm with a barrel under 18 inches in length) must first file an ATF Form 1 and pay the applicable tax because the resulting firearm will be subject to all provisions of the NFA.

If you have any questions about the issues addressed in this letter, you may contact the Firearms and Ammunition Technology Division at fire_tech@atf.gov or by phone at (304) 616-4300.

Max M. Kingery
Acting Chief
Firearms Technology Criminal Branch
Firearms and Ammunition Technology Division

*This letter can also be found on <http://www.atf.gov/content/Firearms/firearms-industry> under the "News" tab.

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Bureau of Alcohol, Tobacco,
Firearms and Explosives

Assistant Director

Washington, DC 20226

www.atf.gov

MAR 21 2017

90000:GM
5000

Mark Barnes, Esq.
Outside Counsel to SB Tactical, LLC
1350 Eye St. NW, Suite 260
Washington, D.C. 20005

Re: Reversal of ATF Open Letter on the Redesign of "Stabilizing Braces"

Dear Mr. Barnes:

I am writing in response to your letter dated January 5, 2017, to Thomas Brandon, the Acting Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on behalf of your client SB Tactical, LLC. Your letter requests that ATF reconsider its position articulated in ATF's "*Open Letter on the Redesign of 'Stabilizing Braces'*" issued on January 16, 2015 (hereafter, the "*Open Letter*"). The *Open Letter* made it clear that stabilizing braces are perfectly legal accessories for large handguns or pistols. However, when employed as a shoulder stock with a firearm with a barrel less than 18 inches in length, the result would be making an unregistered NFA firearm. Your letter challenges the legal correctness of this latter conclusion and asks that ATF disavow it. Since receiving your letter we have re-examined the conclusions contained in the *Open Letter*. Although we stand by those conclusions, we agree that the *Open Letter* may have generated some confusion concerning the analytical framework by which those conclusions were reached. Thank you for the opportunity to clarify our analysis.

Background

As you are aware, the NFA, 26 USC § 5845, defines "firearm," in relevant part, as "a shotgun having a barrel or barrels of less than 18 inches in length" and "a rifle having a barrel or barrels of less than 16 inches in length." That section defines both "rifle" and "shotgun" as "a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder...." Pursuant to the plain language of the statute, ATF and its predecessor agency have long held that a pistol with a barrel less than 16 inches in length and an attached shoulder stock is an NFA "firearm."

-2-

Mark Barnes, Esq.

In 2012, ATF determined that a specific arm-stabilizing brace—marketed as “a shooter’s aid” to assist in shooting large buffer tube equipped pistols—was not a shoulder stock and therefore could be attached to a firearm without that act constituting the making of an NFA firearm. Following this determination, the firearms industry and members of the public sought clarification on whether the stabilizing brace may lawfully be used as a shoulder stock. To respond to these inquiries, ATF published the January 2015 *Open Letter*. In that letter ATF confirmed its previous determination that the use of stabilizing braces, as designed, would not create a short-barreled rifle when attached to a firearm. ATF also advised, however, that because the stabilizing brace was not designed as a shoulder stock, “use” of the device as a shoulder stock would constitute a “redesign” of the firearm to which it was attached, resulting in the classification of that firearm as a short-barreled rifle.

Your letter asserts that ATF’s analysis of “use” is untenable because the mere use of an otherwise lawfully possessed item for a purpose for which it was not designed does not constitute “redesign” as defined in the NFA. You support this argument with analogies involving items that are not firearms (*i.e.*, misuse of a screwdriver or hammer), and by distinguishing a prior ATF ruling, ATF Ruling 95-2, on which the *Open Letter* relies in its analysis of use. The unstated, but logical, result of your argument is that stabilizing braces, although designed, intended and marketed for use only to shoot from the arm, could be attached to a firearm and used as a shoulder stock without falling within the purview of the NFA. Under certain circumstances, such an absolute result is simply not consistent with the letter and intent of the NFA, as we illustrate in the next paragraph.

An accessory that can be attached to a firearm in any one of several configurations must be evaluated to determine whether attaching it in each of those configurations constitutes “making” an NFA firearm under both objective and subjective analyses. With respect to stabilizing braces, ATF has concluded that attaching the brace to a handgun as a forearm brace does not “make” a short-barreled rifle because in the configuration as submitted to and approved by FATD, it is not intended to be and cannot comfortably be fired from the shoulder. If, however, the shooter/possessor takes affirmative steps to configure the device for use as a shoulder-stock—for example, configuring the brace so as to permanently affix it to the end of a buffer tube, (thereby creating a length that has no other purpose than to facilitate its use as a stock), removing the arm-strap, or otherwise undermining its ability to be used as a brace – and then in fact shoots the firearm from the shoulder using the accessory as a shoulder stock, that person has objectively “redesigned” the firearm for purposes of the NFA. This conclusion is not based upon the mere fact that the firearm was fired from the shoulder at some point. Therefore, an NFA firearm has not necessarily been made when the device is not re-configured for use as a shoulder stock – even if the attached firearm happens to be fired from the shoulder.

-3-

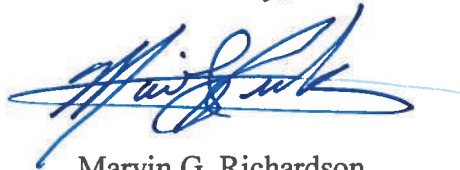
Mark Barnes, Esq.

To the extent the January 2015 *Open Letter* implied or has been construed to hold that incidental, sporadic, or situational “use” of an arm-brace (in its original approved configuration) equipped firearm from a firing position at or near the shoulder was sufficient to constitute “redesign,” such interpretations are incorrect and not consistent with ATF’s interpretation of the statute or the manner in which it has historically been enforced.

In that regard, we also note that the “making” of an NFA firearm pursuant to 26 U.S.C. § 5821 includes the altering of an existing firearm such that, after the alteration, the firearm meets one of the enumerated descriptions in 26 U.S.C. § 5845(a), whether or not that alteration is permanent. So, for example, one “makes” a short-barreled shotgun subject to the NFA by replacing a 20 inch barrel with a 16 inch barrel, even though that configuration may not be permanent. Nothing in the NFA requires that the “making” be irreversible. Similarly, an item that functions as a stock if attached to a handgun in a manner that serves the objective purpose of allowing the firearm to be fired from the shoulder may result in “making” a short-barreled rifle, even if the attachment is not permanent. *See*, Revenue Ruling 61-45. The fact that the item may allow, or even be intended by its manufacturer for other lawful purposes, does not affect the NFA analysis.

Again, to the extent the *Open Letter* was confusing, we appreciate the opportunity to clarify our position. Thank you for your inquiry regarding this matter.

Sincerely,



Marvin G. Richardson
Assistant Director
Enforcement Programs and Services



U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Commercially available firearms equipped with a “stabilizing brace” that are short-barreled rifles*

*May not be marketed by original manufacturer in displayed configuration, rather a wholesaler or retailer

This is not an exhaustive list of commercially available firearms equipped with a “stabilizing brace” that are short-barreled rifles. However, this list is representative of how ATF will apply the definition of “rifle” to firearms that are equipped with a “stabilizing brace.” For purposes of this document, the term “short-barreled rifle” is used to refer to rifles with a barrel or barrels of less than sixteen inches, that are subject to the provisions of the NFA.



AR-type Platforms

Ruger, model AR-556 with SBA3 Attached – Short-barreled Rifle



Q, model Honey Badger with HBPDW Attached – Short-barreled Rifle



Q, model Sugar Weasel with SBA3 Attached – Short-barreled Rifle



CMIMG, model Banshee with SBA3 Attached – Short-barreled Rifle













Smith & Wesson, model M&P 15 with SBA3 Attached – Short-barreled Rifle





Springfield, model Victor with Magpul BTR Attached – Short-barreled Rifle











AK-type Platforms





H&K-type Platforms



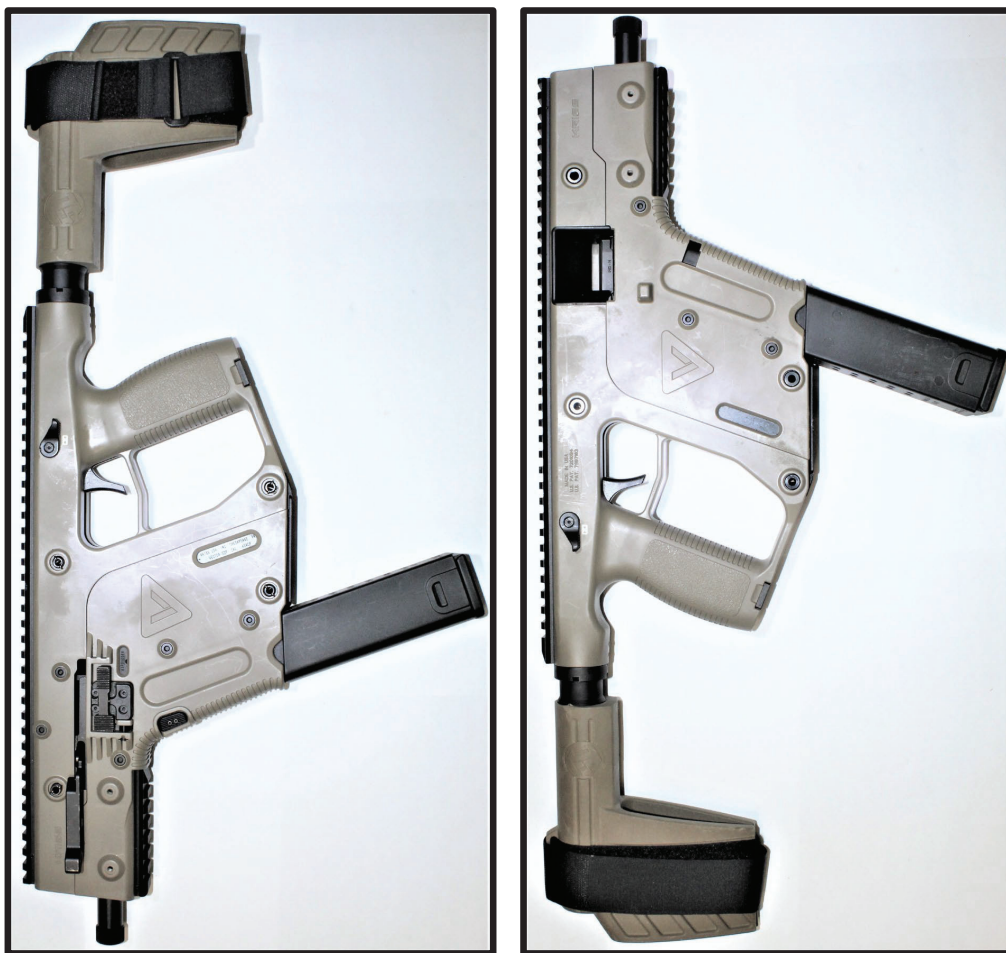
Pistol Caliber Configuration (PCC)-type Platforms



CZ, model Scorpion EVO 3 S1 with SBTEVO Attached – Short-barreled Rifle







IWI, model UZI Pro Pistol with SBX-K Attached – Short-barreled Rifle





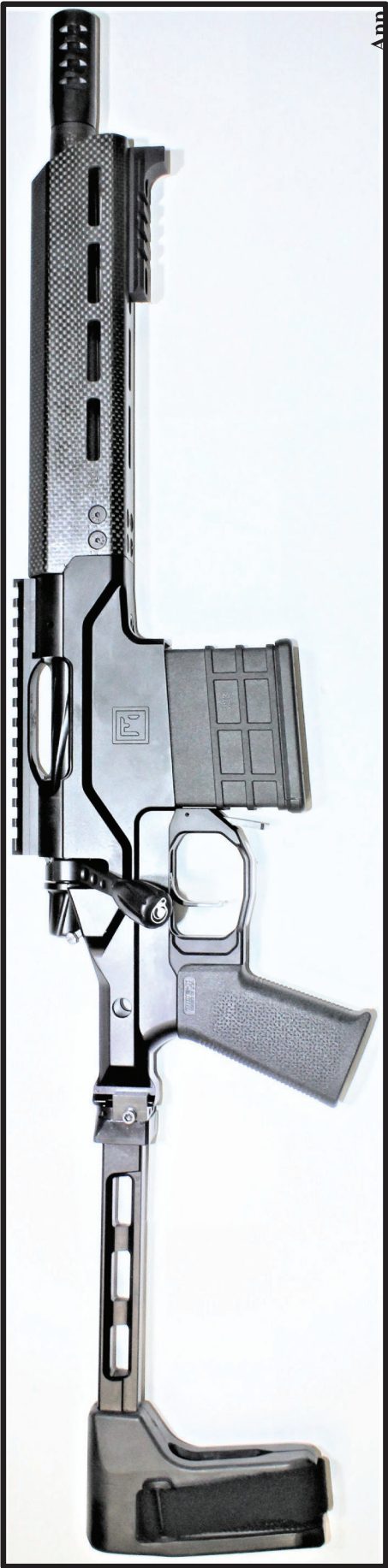


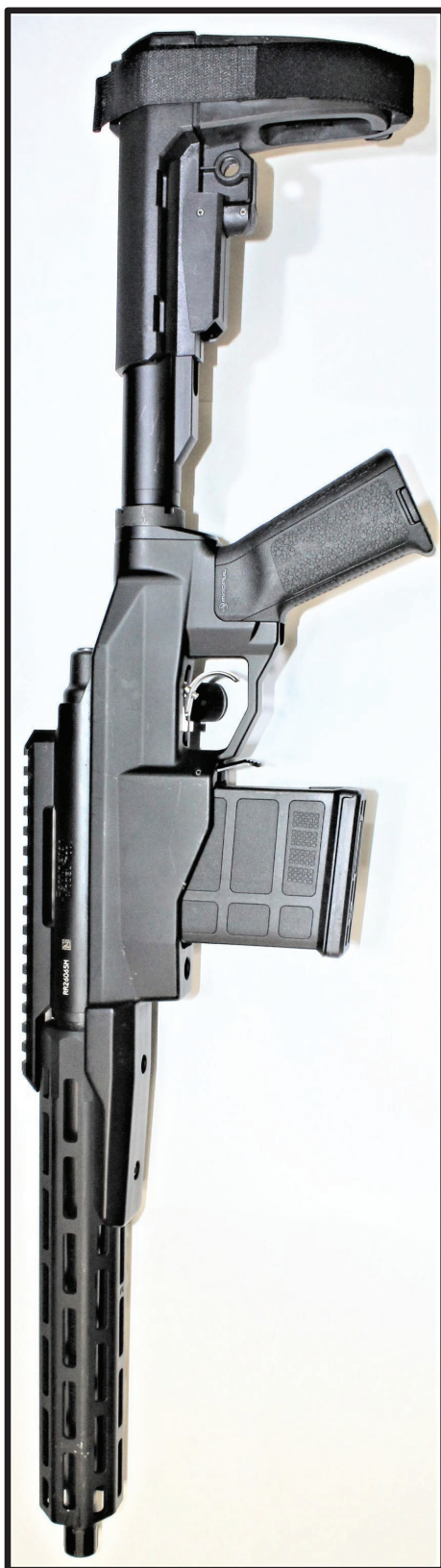




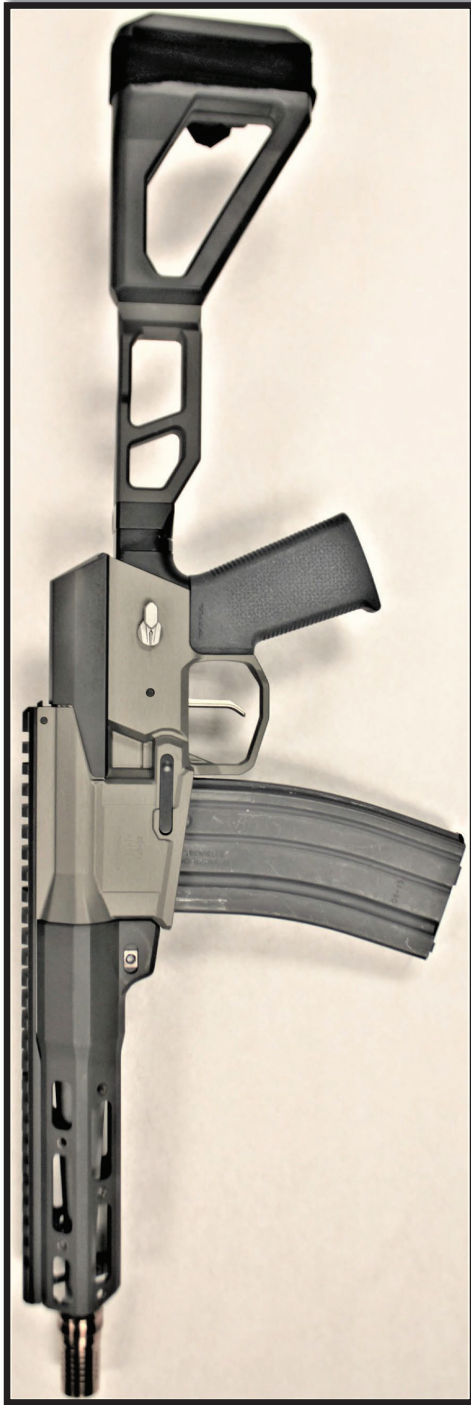
Other Rifle-type Configurations







Q, model Mini Fix with Proprietary Brace – Short-barreled Rifle





Firearms Commerce in the United States

Annual Statistical Update 2020

**United States Department of Justice
Bureau of Alcohol, Tobacco, Firearms
and Explosives**

Exhibit 1. Firearms Manufactured (1986-2018)

Calendar Year	Pistols	Revolvers	Rifles	Shotguns	Misc. Firearms ¹	Total Firearms
1986	662,973	761,414	970,507	641,482	4,558	3,040,934
1987	964,561	722,512	1,007,661	857,949	6,980	3,559,663
1988	1,101,011	754,744	1,144,707	928,070	35,345	3,963,877
1989	1,404,753	628,573	1,407,400	935,541	42,126	4,418,393
1990	1,371,427	470,495	1,211,664	848,948	57,434	3,959,968
1991	1,378,252	456,966	883,482	828,426	15,980	3,563,106
1992	1,669,537	469,413	1,001,833	1,018,204	16,849	4,175,836
1993	2,093,362	562,292	1,173,694	1,144,940	81,349	5,055,637
1994	2,004,298	586,450	1,316,607	1,254,926	10,936	5,173,217
1995	1,195,284	527,664	1,411,120	1,173,645	8,629	4,316,342
1996	987,528	498,944	1,424,315	925,732	17,920	3,854,439
1997	1,036,077	370,428	1,251,341	915,978	19,680	3,593,504
1998	960,365	324,390	1,535,690	868,639	24,506	3,713,590
1999	995,446	335,784	1,569,685	1,106,995	39,837	4,047,747
2000	962,901	318,960	1,583,042	898,442	30,196	3,793,541
2001	626,836	320,143	1,284,554	679,813	21,309	2,932,655
2002	741,514	347,070	1,515,286	741,325	21,700	3,366,895
2003	811,660	309,364	1,430,324	726,078	30,978	3,308,404
2004	728,511	294,099	1,325,138	731,769	19,508	3,099,025
2005	803,425	274,205	1,431,372	709,313	23,179	3,241,494
2006	1,021,260	385,069	1,496,505	714,618	35,872	3,653,324
2007	1,219,664	391,334	1,610,923	645,231	55,461	3,922,613
2008	1,609,381	431,753	1,734,536	630,710	92,564	4,498,944
2009	1,868,258	547,195	2,248,851	752,699	138,815	5,555,818
2010	2,258,450	558,927	1,830,556	743,378	67,929	5,459,240
2011	2,598,133	572,857	2,318,088	862,401	190,407	6,541,886
2012	3,487,883	667,357	3,168,206	949,010	306,154	8,578,610
2013	4,441,726	725,282	3,979,570	1,203,072	495,142	10,844,792
2014	3,633,454	744,047	3,379,549	935,411	358,165	9,050,626
2015	3,557,199	885,259	3,691,799	777,273	447,131	9,358,661
2016	4,720,075	856,291	4,239,335	848,617	833,123	11,497,441
2017	3,691,010	720,917	2,504,092	653,139	758,634	8,327,792
2018	3,881,158	664,835	2,880,536	536,126	1,089,973	9,052,628

Source: ATF's Annual Firearms Manufacturing and Exportation Report (AFMER).

¹Miscellaneous firearms are any firearms not specifically categorized in any of the firearms categories defined on the ATF Form 5300.11 Annual Firearms Manufacturing and Exportation Report. (Examples of miscellaneous firearms would include pistol grip firearms, starter guns, and firearm frames and receivers.)

The AFMER report excludes production for the U.S. military but includes firearms purchased by domestic law enforcement agencies. The report also includes firearms manufactured for export.

AFMER data is not published until one year after the close of the calendar year reporting period because the proprietary data furnished by filers is protected from immediate disclosure by the Trade Secrets Act. For example, calendar year 2012 data was due to ATF by April 1, 2013, but not published until January 2014.

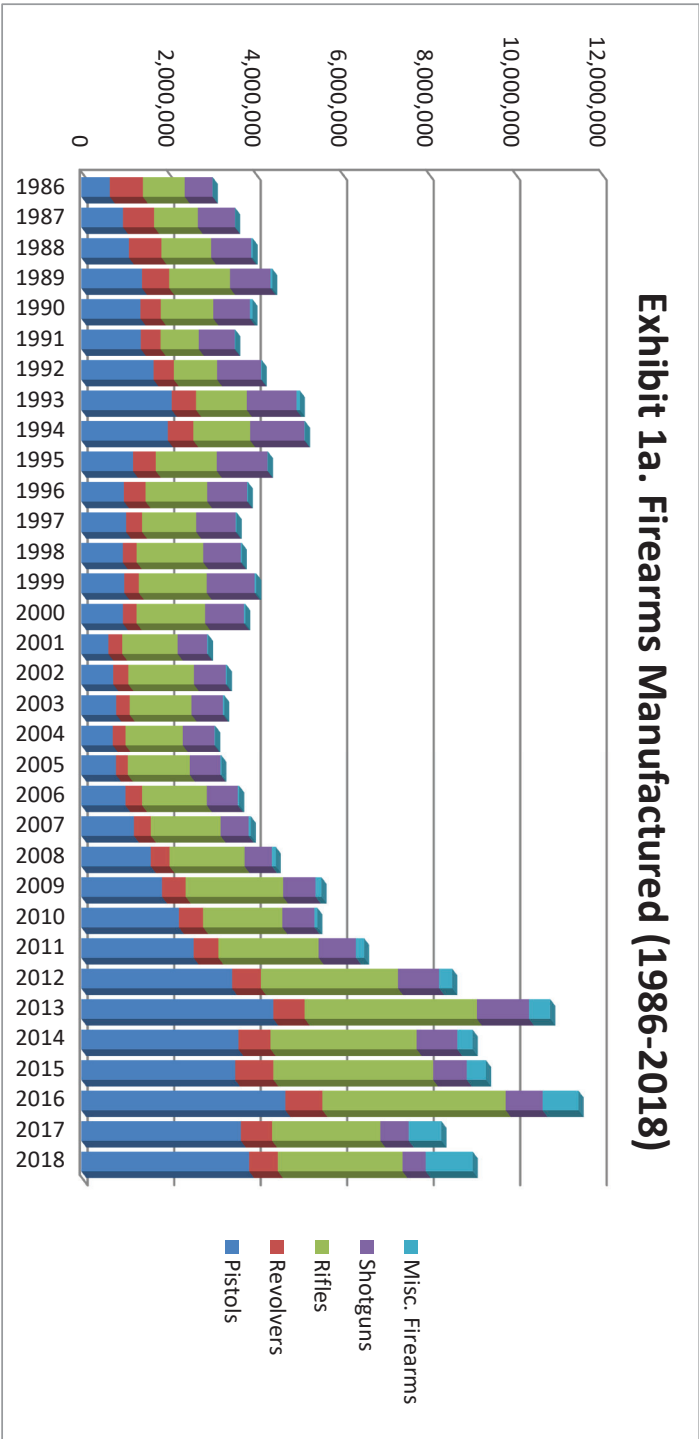


Exhibit 2. Firearms Manufacturers Exports (1986 - 2018)

Calendar Year	Pistols	Revolvers	Rifles	Shotguns	Misc. Firearms ¹	Total Firearms
1986	16,511	104,571	37,224	58,943	199	217,448
1987	24,941	134,611	42,161	76,337	9,995	288,045
1988	32,570	99,289	53,896	68,699	2,728	257,182
1989	41,970	76,494	73,247	67,559	2,012	261,282
1990	73,398	106,820	71,834	104,250	5,323	361,625
1991	79,275	110,058	91,067	117,801	2,964	401,165
1992	76,824	113,178	90,015	119,127	4,647	403,791
1993	59,234	91,460	94,272	171,475	14,763	431,204
1994	93,959	78,935	81,835	146,524	3,220	404,473
1995	97,969	131,634	90,834	101,301	2,483	424,221
1996	64,126	90,068	74,557	97,191	6,055	331,997
1997	44,182	63,656	76,626	86,263	4,354	275,081
1998	29,537	15,788	65,807	89,699	2,513	203,344
1999	34,663	48,616	65,669	67,342	4,028	220,318
2000	28,636	48,130	49,642	35,087	11,132	172,627
2001	32,151	32,662	50,685	46,174	10,939	172,611
2002	22,555	34,187	60,644	31,897	1,473	150,756
2003	16,340	26,524	62,522	29,537	6,989	141,912
2004	14,959	24,122	62,403	31,025	7,411	139,920
2005	19,196	29,271	92,098	46,129	7,988	194,682
2006	144,779	28,120	102,829	57,771	34,022	367,521
2007	45,053	34,662	80,594	26,949	17,524	204,782
2008	54,030	28,205	104,544	41,186	523	228,488
2009	56,402	32,377	61,072	36,455	8,438	194,744
2010	80,041	25,286	76,518	43,361	16,771	241,977
2011	121,035	23,221	79,256	54,878	18,498	296,888
2012	128,313	19,643	81,355	42,858	15,385	287,554
2013	167,653	21,236	131,718	49,766	22,748	393,121
2014	126,316	25,521	207,934	60,377	784	420,932
2015	140,787	22,666	159,707	18,797	1,499	343,456
2016	172,408	24,587	147,044	24,668	8,111	376,818
2017	275,424	21,676	158,871	29,997	2,332	488,300
2018	333,266	21,498	165,573	27,774	6,126	554,237

Source: ATF Annual Firearms Manufacturing and Exportation Report (AFMER).

¹Miscellaneous firearms are any firearms not specifically categorized in any of the firearms categories defined on the ATF Form 5300.11 Annual Firearms Manufacturing and Exportation Report. (Examples of miscellaneous firearms would include pistol grip firearms, starter guns, and firearm frames and receivers.)

The AFMER report excludes production for the U.S. military but includes firearms purchased by domestic law enforcement agencies.

This exhibit does not include statistics related to the National Firearms Act (NFA).

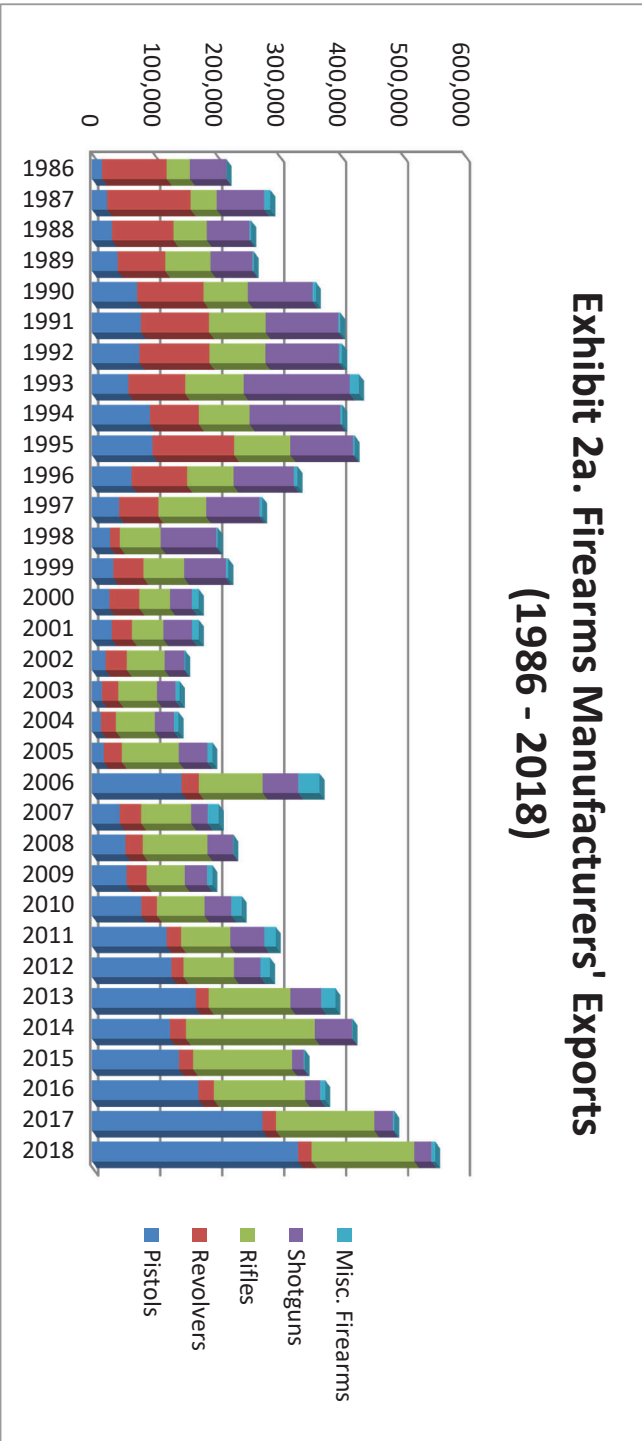


Exhibit 3. Firearms Imports (1986 - 2019)

Calendar Year	Shotguns	Rifles	Handguns	Total
1986	201,000	269,000	231,000	701,000
1987	307,620	413,780	342,113	1,063,513
1988	372,008	282,640	621,620	1,276,268
1989	274,497	293,152	440,132	1,007,781
1990	191,787	203,505	448,517	843,809
1991	116,141	311,285	293,231	720,657
1992	441,933	1,423,189	981,588	2,846,710
1993	246,114	1,592,522	1,204,685	3,043,321
1994	117,866	847,868	915,168	1,880,902
1995	136,126	261,185	706,093	1,103,404
1996	128,456	262,568	490,554	881,578
1997	106,296	358,937	474,182	939,415
1998	219,387	248,742	531,681	999,810
1999	385,556	198,191	308,052	891,799
2000	331,985	298,894	465,903	1,096,782
2001	428,330	227,608	710,958	1,366,896
2002	379,755	507,637	741,845	1,629,237
2003	407,402	428,837	630,263	1,466,502
2004	507,050	564,953	838,856	1,910,859
2005	546,403	682,100	878,172	2,106,675
2006	606,820	659,393	1,166,309	2,432,522
2007	725,752	631,781	1,386,460	2,743,993
2008	535,960	602,364	1,468,062	2,606,386
2009	558,679	864,010	2,184,417	3,607,106
2010	509,913	547,449	1,782,585	2,839,947
2011	529,056	998,072	1,725,276	3,252,404
2012	973,465	1,243,924	2,627,201	4,844,590
2013	936,235	1,507,776	3,095,528	5,539,539
2014	648,339	791,892	2,185,037	3,625,268
2015	644,293	815,817	2,470,101	3,930,211
2016	736,482	729,452	3,671,837	5,137,771
2017	632,105	572,309	3,287,842	4,492,256
2018	713,931	652,031	2,939,889	4,305,851
2019	743,252	648,703	2,594,708	3,986,663

Source: ATF and United States International Trade Commission.

Statistics prior to 1992 are for fiscal years; 1992 is a transition year with five quarters.

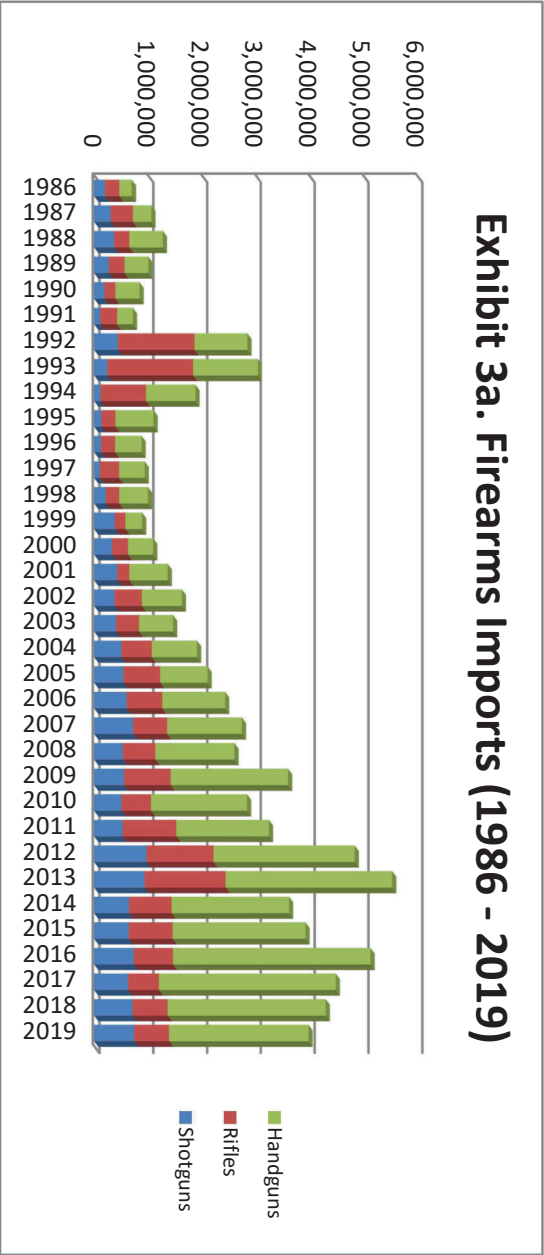


Exhibit 4. Importation Applications (1986 - 2019)

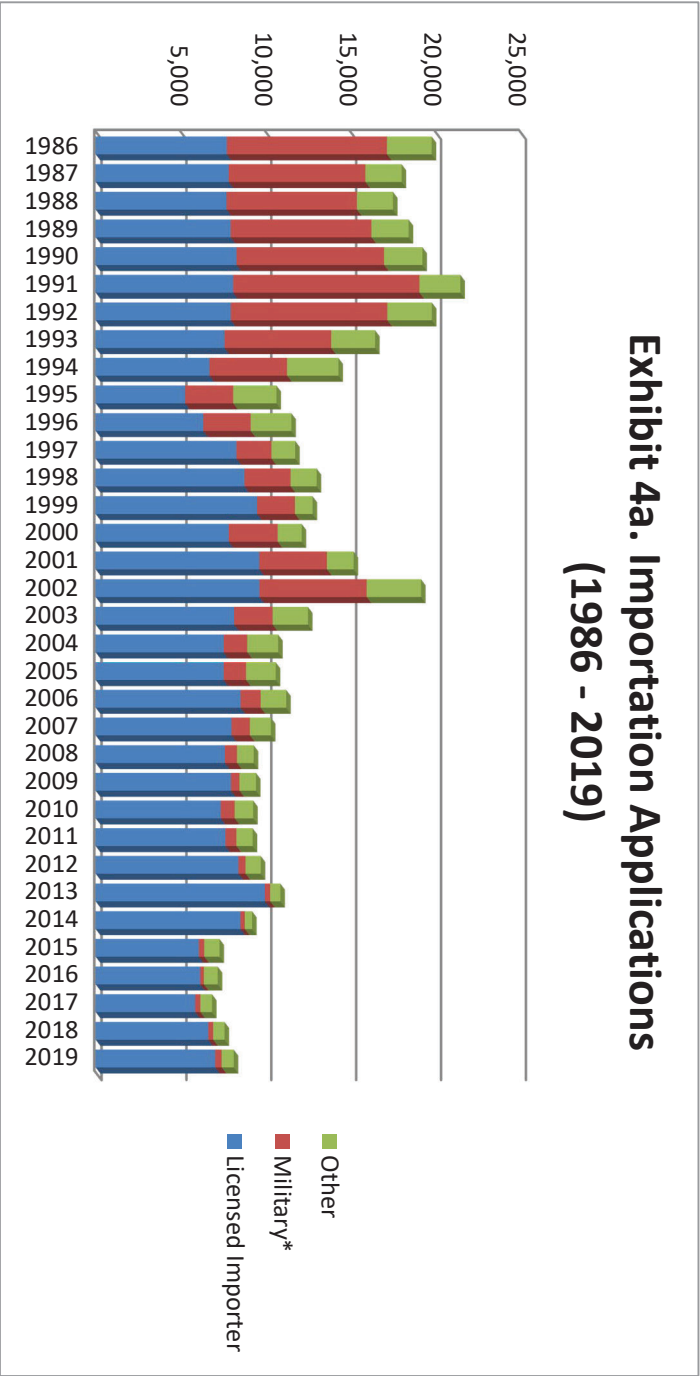
Fiscal Year	Licensed Importer	Military*	Other	Total
1986	7,728	9,434	2,631	19,793
1987	7,833	8,059	2,130	18,022
1988	7,711	7,680	2,122	17,513
1989	7,950	8,293	2,194	18,437
1990	8,292	8,696	2,260	19,248
1991	8,098	10,973	2,412	21,483
1992	7,960	9,222	2,623	19,805
1993	7,591	6,282	2,585	16,458
1994	6,704	4,570	3,024	14,298
1995	5,267	2,834	2,548	10,649
1996	6,340	2,792	2,395	11,527
1997	8,288	2,069	1,395	11,752
1998	8,767	2,715	1,536	13,019
1999	9,505	2,235	1,036	12,776
2000	7,834	2,885	1,416	12,135
2001	9,639	3,984	1,569	15,192
2002	9,646	6,321	3,199	19,166
2003	8,160	2,264	2,081	12,505
2004	7,539	1,392	1,819	10,750
2005	7,539	1,320	1,746	10,605
2006	8,537	1,180	1,505	11,222
2007	8,004	1,081	1,236	10,321
2008	7,610	718	980	9,308
2009	7,967	504	970	9,441
2010	7,367	823	1,088	9,278
2011	7,647	641	959	9,247
2012	8,408	420	895	9,723
2013	9,964	319	597	10,880
2014	8,529	255	429	9,213
2015	6,078	318	897	7,293
2016	6,154	220	814	7,188
2017	5,859	309	685	6,853
2018	6,631	289	670	7,590
2019	7,040	380	711	8,131

Source: ATF Firearms and Explosives Import System (FEIS)

Import data excludes temporary permits issued to nonimmigrant aliens.

*Depicts ATF Form 6A Part 2 (5330.3C)

Effective April 8, 2014 Import permits are valid for two years.



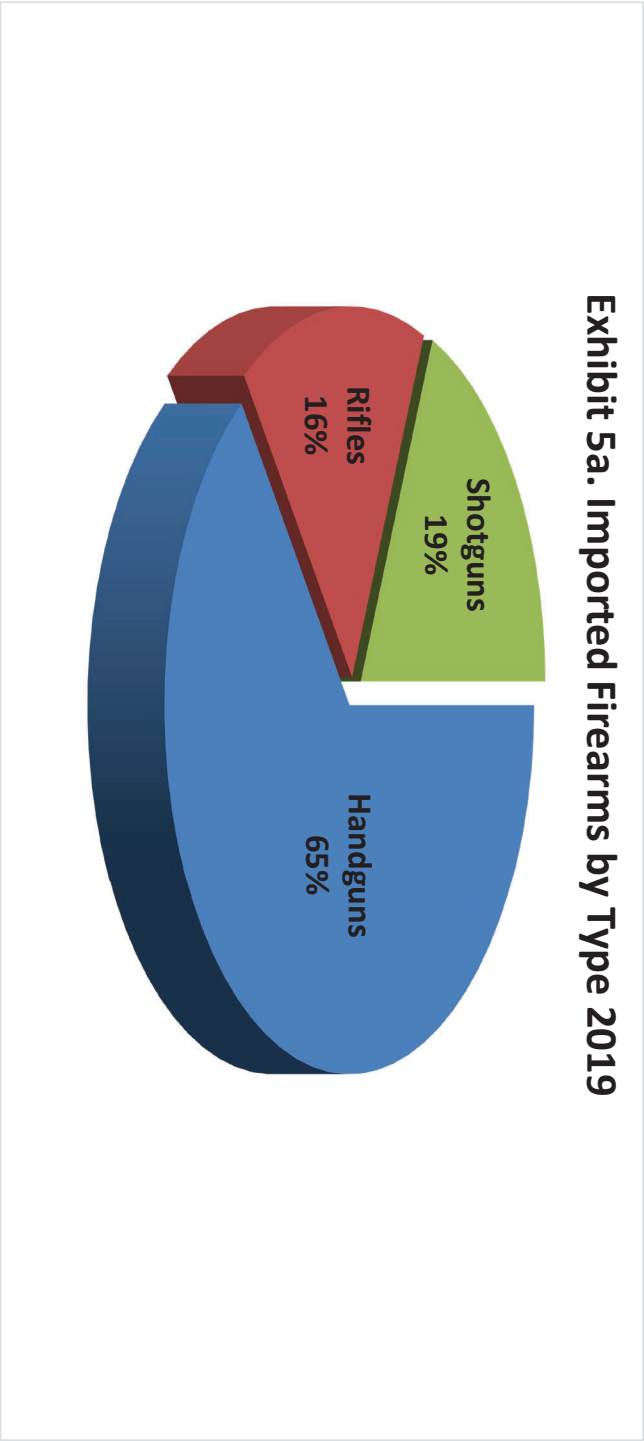
	Handguns	Rifles	Shotguns	Total Firearms
Brazil	695,584	74,537	57,851	827,972
Austria	811,574	7,537	145	819,256
Turkey	95,208	2,115	382,709	480,032
Italy	159,945	13,131	175,304	348,380
Germany	258,281	57,057	2,178	317,516
Croatia	185,241	183	295	185,719
Czech Republic	151,486	29,076	80	180,642
Canada	4,599	147,515	1,170	153,284
China	0	9,711	116,767	126,478
Philippines	93,612	8,974	100	102,686
Japan	1	77,327	828	78,156
Spain	566	58,544	601	59,711
Belgium	26,088	25,835	69	51,992
Finland	320	46,609	0	46,929
Romania	22,094	20,759	0	42,853
Israel	23,743	3,366	0	27,109
Argentina	25,625	0	0	25,625
Portugal	0	24,322	31	24,353
United Kingdom	42	17,317	4,477	21,836
Switzerland	15,445	2,849	4	18,298
Serbia	8938	4,029	0	12,967
Poland	5,937	4,342	0	10,279
Russia	0	4,620	182	4,802
Ukraine	0	3,200	0	3,200
Sweden	130	2,936	0	3,066
Slovakia	2,973	0	0	2,973
Bulgaria	592	1,500	0	2,092
Hungary	1,888	87	29	2,004
Netherlands	1,930	0	0	1,930
Slovenia	1,878	0	0	1,878
France	756	909	8	1,673
Other ²	232	316	424	972
Total	2,594,708	648,703	743,252	3,986,663

¹On May 26, 1994, the United States instituted a firearms imports embargo against China. Sporting shotguns, however, are exempt from the embargo.

²Imports of fewer than 1,000 per country.

Imports from Afghanistan, Belarus, Burma, China, Cuba, Democratic Republic of Congo, Haiti, Iran, Iraq, Libya, Mongolia, North Korea, Rwanda, Somalia, Sudan, Syria, Unita (Angola), Vietnam, may include surplus military curio and relic firearms that were manufactured in these countries prior to becoming proscribed or embargoed and had been outside those proscribed countries for the preceding five years prior to import. Imports may also include those that obtained a waiver from the U.S. State Department.

Imports from Georgia, Kazakstan, Kyrgyzstan, Moldova, Russian Federation, Turkmenistan, Ukraine, Uzbekistan are limited to firearms enumerated on the Voluntary Restraint Agreement (VRA).



Case 4:23-cv-00578-O Document 12 Filed 06/15/23 Page 66 of 76 PageID 155
**Exhibit 6. National Firearms Act Tax Revenues and Related Activities
(1984 - 2019)**

Fiscal Year ¹	Occupational Tax Paid ²	Transfer and Making Tax Paid	Enforcement Support ³	
			Certifications	Records Checks
1984	\$596,000	\$666,000	1,196	2,771
1985	\$606,000	\$594,000	921	3,682
1986	\$667,000	\$1,372,000	690	3,376
1987	\$869,000	\$1,576,000	575	4,135
1988	\$2,095,000	\$1,481,000	701	3,738
1989	\$1,560,000	\$1,527,000	1,196	6,128
1990	\$1,442,000	\$1,308,000	666	7,981
1991	\$1,556,000	\$1,210,000	764	7,857
1992	\$1,499,000	\$1,237,000	1,257	8,582
1993	\$1,493,000	\$1,264,000	1,024	7,230
1994	\$1,444,000	\$1,596,000	586	6,283
1995	\$1,007,000	\$1,311,000	882	5,677
1996	\$1,143,000	\$1,402,000	529	5,215
1997	\$1,284,000	\$1,630,000	488	4,395
1998	\$1,299,000	\$1,969,000	353	3,824
1999	\$1,330,000	\$2,422,000	345	3,994
2000	\$1,399,000	\$2,301,000	144	2,159
2001	\$1,456,000	\$2,800,000	402	5,156
2002	\$1,492,000	\$1,510,000	441	6,381
2003	\$1,758,000	\$2,699,000	401	6,597
2004	\$1,640,000	\$3,052,000	435	6,191
2005	\$1,659,000	\$2,810,000	447	6,218
2006	\$1,709,000	\$3,951,000	327	6,331
2007	\$1,815,000	\$4,890,000	530	7,468
2008	\$1,950,000	\$5,742,000	375	5,872
2009	\$2,125,000	\$7,971,000	418	5,736
2010	\$2,530,000	\$7,184,000	267	5,883
2011	\$2,952,000	\$9,576,000	287	6,313
2012	\$3,628,000	\$12,814,000	390	7,103
2013	\$4,294,000	\$18,182,000	501	7,138
2014	\$4,837,000	\$22,678,000	367	6,172
2015	\$5,417,000	\$32,462,000	338	5,650
2016	\$6,018,000	\$62,596,000	397	6,547
2017	\$6,371,000	\$22,972,000	469	6,749
2018	\$6,753,000	\$33,371,000	537	6,130
2019	\$7,014,000	\$37,285,000	447	5,426

Source: ATF's National Firearms Registration and Transfer Record (NFRTR).

¹Data from 1997 - 2000 were based on calendar year data.

²Special occupational tax revenues for FY 1990 - 1996 include collections made during the fiscal year for prior tax years. Importers, manufacturers, or dealers in NFA firearms are subject to a yearly occupational tax.

³ATF searches the NFRTR in support of criminal investigations and regulatory inspections in order to determine whether persons are legally in possession of NFA weapons and whether transfers are made lawfully.

Data from 2000-2010 for Certifications and Records Checks was corrected in the 2012 update.

Exhibit 7. National Firearms Act Firearms Processed by Form Type (1990 - 2019)

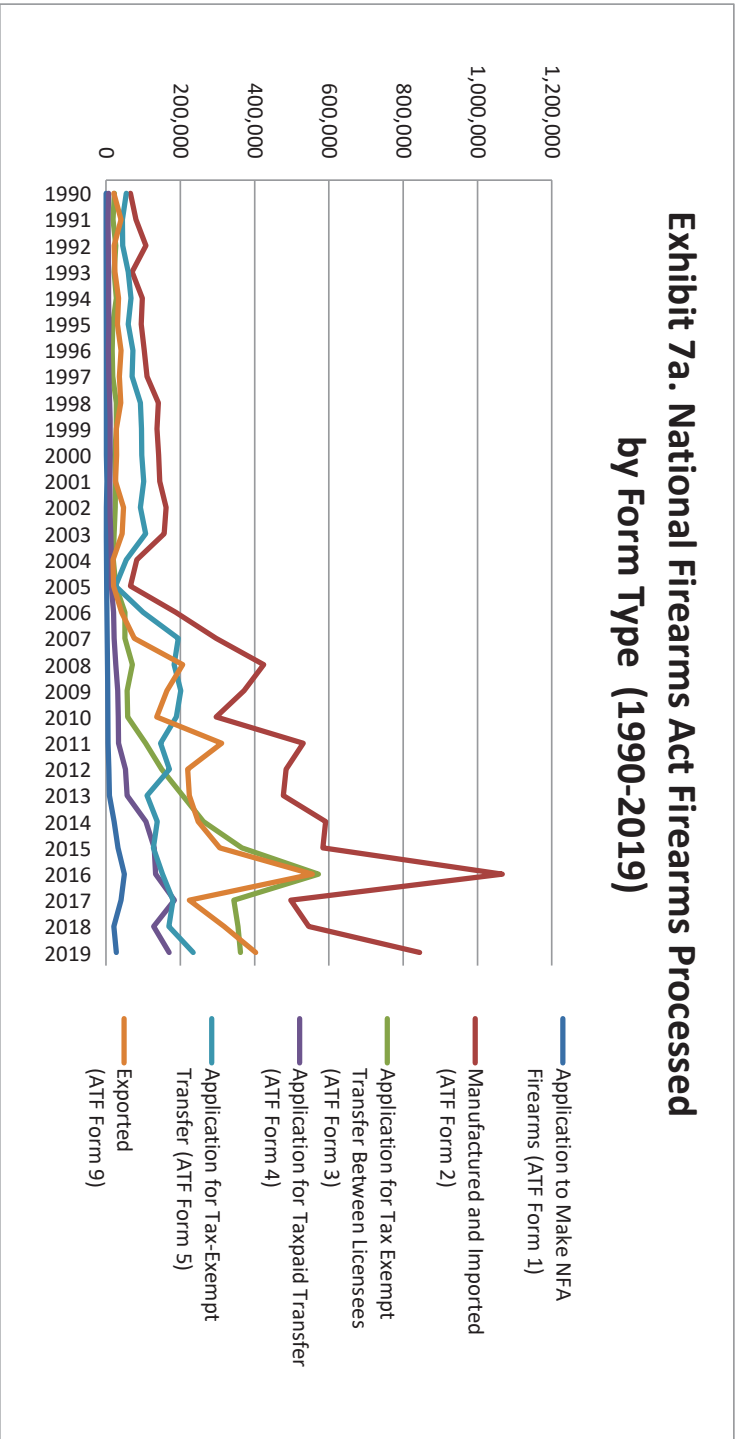
Calendar Year ¹	Application to Make NFA Firearms (ATF Form 1)	Manufactured and Imported (ATF Form 2)	Application for Tax Exempt Transfer Between Licensees (ATF Form 3)	Application for Taxpaid Transfer (ATF Form 4)	Application for Tax-Exempt Transfer ² (ATF Form 5)	Exported (ATF Form 9)	Total ³
1990	399	66,084	23,149	7,024	54,959	21,725	173,340
1991	524	80,619	19,507	5,395	44,146	40,387	190,578
1992	351	107,313	26,352	6,541	45,390	22,120	208,067
1993	310	70,342	22,071	7,388	60,193	24,041	184,345
1994	1,076	97,665	27,950	7,600	67,580	34,242	236,113
1995	1,226	95,061	18,593	8,263	60,055	31,258	214,456
1996	1,174	103,511	16,931	6,418	72,395	40,439	240,868
1997	855	110,423	18,371	7,873	70,690	36,284	244,496
1998	1,093	141,101	27,921	10,181	93,135	40,221	313,652
1999	1,071	137,373	28,288	11,768	95,554	28,128	302,182
2000	1,334	141,763	23,335	11,246	96,234	28,672	302,584
2001	2,522	145,112	25,745	10,799	101,955	25,759	311,892
2002	1,173	162,321	25,042	10,686	92,986	47,597	339,805
2003	1,003	156,620	21,936	13,501	107,108	43,668	343,836
2004	980	83,483	20,026	14,635	54,675	19,425	193,224
2005	1,902	65,865	26,603	14,606	26,210	20,951	156,137
2006	2,610	188,134	51,290	20,534	100,458	42,175	405,201
2007	3,553	296,267	51,217	22,260	194,794	76,467	644,558
2008	4,583	424,743	71,404	26,917	183,271	206,411	917,329
2009	5,345	371,920	56,947	31,551	201,267	163,951	830,981
2010	5,169	296,375	58,875	33,059	189,449	136,335	719,262
2011	5,477	530,953	107,066	33,816	147,341	311,214	1,135,867
2012	7,886	484,928	149,762	52,490	170,561	219,700	1,085,327
2013	9,347	477,567	206,389	57,294	110,637	224,515	1,085,749
2014	22,380	591,388	262,342	107,921	138,204	248,109	1,370,344
2015	32,558	583,499	365,791	130,017	127,945	306,037	1,545,847
2016	49,985	1,066,812	571,840	133,911	152,264	555,397	2,530,209
2017	40,444	497,329	344,197	184,312	180,850	224,389	1,471,521
2018	21,580	545,700	355,114	128,324	169,258	318,387	1,538,363
2019	28,006	844,378	361,754	170,182	234,486	402,626	2,041,432

Source: ATF's National Firearms Registration and Transfer Record (NFRTR).

¹Data from 1990 - 1996 represent fiscal year.

²Firearms may be transferred to the U.S., State or local governments without the payment of a transfer tax. Further transfers of NFA firearms between licensees registered as importers, manufacturers, or dealers who have paid the special occupational tax are likewise exempt from transfer tax.

³Totals do not include ATF Form 5320.20 or ATF Form 10 because these do not relate to commercial transactions.



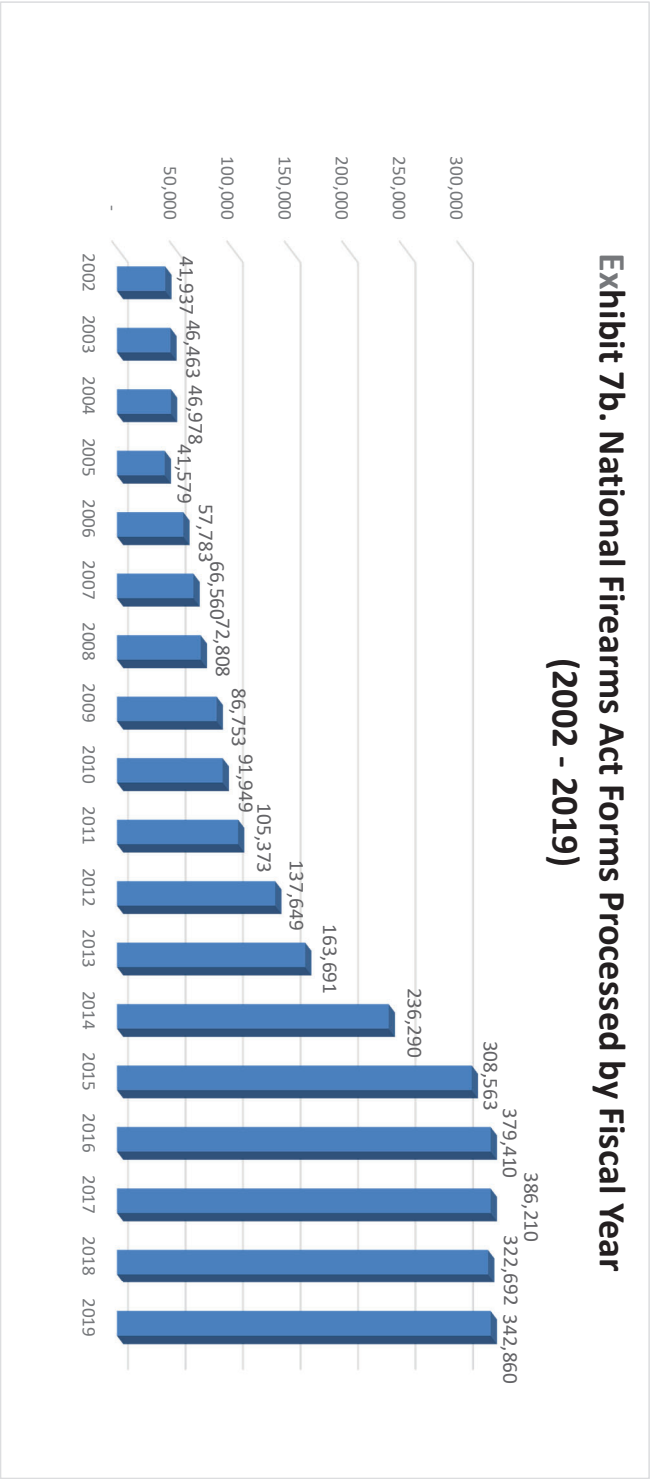


Exhibit 8: National Firearms Act Registered Weapons by State (April 2020)

State	Any Other Weapon ¹	Destructive Device ²	Machinegun ³	Silencer ⁴	Short Barreled Rifle ⁵	Short Barreled Shotgun ⁶	Total
Alabama	1,250	81,684	32,529	52,066	7,731	2,472	177,732
Alaska	336	5,912	1,718	11,287	2,705	1,497	23,455
Arkansas	661	60,632	5,664	30,804	4,627	1,253	103,641
Arizona	2,883	113,085	18,483	65,332	21,639	2,844	224,266
California	4,477	308,759	29,861	15,129	14,177	14,392	386,795
Colorado	1,063	52,502	7,520	51,615	11,383	1,998	126,081
Connecticut	982	14,100	39,888	15,174	4,050	1,084	75,278
District of Columbia	69	55,236	5,958	715	1,188	1,107	64,273
Delaware	41	3,527	537	405	420	635	5,565
Florida	3,980	256,059	47,130	136,251	43,543	10,115	497,078
Georgia	2,146	85,418	40,181	93,573	18,267	11,918	251,503
Hawaii	34	8,265	441	286	95	75	9,196
Iowa	907	17,697	8,804	15,939	2,127	1,139	46,613
Idaho	656	26,447	5,102	31,972	4,649	579	69,405
Illinois	1,032	109,537	30,492	3,203	4,213	1,735	150,212
Indiana	1,717	47,458	20,868	53,880	9,613	9,425	142,961
Kansas	740	25,404	3,876	24,358	5,214	1,191	60,783
Kentucky	1,158	34,708	17,903	37,590	5,886	2,060	99,305
Louisiana	642	58,249	7,188	51,398	7,997	1,960	127,434
Massachusetts	862	18,582	6,958	7,367	4,995	1,015	39,779
Maryland	1,098	60,140	29,586	25,466	6,578	3,899	126,767
Maine	592	3,700	5,152	5,989	2,731	531	18,695
Michigan	1,241	29,506	16,890	36,676	7,433	1,551	93,297
Minnesota	2,730	52,750	8,720	35,731	6,676	1,136	107,743
Missouri	1,502	36,839	10,160	38,500	8,972	2,855	98,828
Mississippi	514	28,692	4,699	29,331	4,745	1,053	69,034
Montana	454	4,795	2,422	17,001	2,218	577	27,467
North Carolina	1,029	103,068	15,779	58,432	14,547	3,382	196,237
North Dakota	208	3,565	1,626	16,934	1,727	305	24,365
Nebraska	787	7,889	2,356	19,026	3,099	878	34,035
New Hampshire	472	5,454	19,253	31,332	6,607	595	63,713
New Jersey	448	46,256	39,979	3,339	3,268	2,558	95,848
New Mexico	320	91,470	4,086	15,372	3,991	806	116,045
Nevada	1,384	43,546	16,385	29,828	10,885	2,970	104,998
New York	1,786	52,800	13,263	5,041	7,180	7,696	87,766
Ohio	2,028	89,228	21,870	54,649	13,253	6,450	187,478
Oklahoma	1,224	18,225	9,630	52,103	7,773	1,929	90,884
Oregon	1,651	26,158	6,653	38,843	8,201	1,635	83,141
Pennsylvania	2,443	197,382	20,626	66,260	17,433	13,714	317,858
Rhode Island	43	3,589	629	92	322	109	4,784
South Carolina	749	41,748	11,045	38,222	7,944	4,173	103,881
South Dakota	377	4,324	2,096	29,029	1,409	244	37,479
Tennessee	1,763	50,922	14,687	47,401	11,378	6,320	132,471
Texas	7,552	297,502	43,729	401,861	70,006	9,459	830,109
Utah	516	19,075	7,763	60,645	7,941	1,610	97,550
Virginia	3,024	241,180	42,761	71,688	23,482	8,811	390,946
Vermont	230	3,094	1,467	2,657	739	180	8,367
Washington	1,972	56,204	4,589	58,854	14,072	1,040	136,731
Wisconsin	820	34,560	8,292	31,075	7,089	1,400	83,236
West Virginia	474	21,997	7,309	11,198	2,582	1,179	44,739
Wyoming	325	121,151	1,940	11,781	1,732	417	137,346
Other US Territories	6	323	408	19	12	103	871
Total	65,398	3,180,393	726,951	2,042,719	460,544	158,059	6,634,064

Source: ATF National Firearms Registration and Transfer Record (NFRTR).

¹ The term "any other weapon" means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

² Destructive device generally is defined as (a) Any explosive, incendiary, or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than 4 ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine, or (6) device similar to any of the devices described in the preceding paragraphs of this definition; (b) any type of weapon (other than a shotgun or a shotgun shell which the Director finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (c) any combination of parts either designed or intended for use in converting any device into any destructive device described in paragraph (a) or (b) of this section and from which a destructive device may be readily assembled. The term shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10, United States Code; or any other device which the Director finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational, or cultural purposes.

³ Machinegun is defined as any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

⁴ Silencer is defined as any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for the use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.

⁵ Short-barreled rifle is defined as a rifle having one or more barrels less than 16 inches in length, and any weapon made from a rifle, whether by alteration, modification, or otherwise, if such weapon, as modified, has an overall length of less than 26 inches.

⁶ Short-barreled shotgun is defined as a shotgun having one or more barrels less than 18 inches in length, and any weapon made from a shotgun, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than 26 inches.

State	Importers	Manufacturers	Dealers	Total
Alabama	26	105	142	273
Alaska	0	28	63	91
Arizona	34	380	250	664
Arkansas	17	118	121	256
California	12	109	91	212
Colorado	6	144	223	373
Connecticut	4	80	61	145
Delaware	0	0	2	2
District of Columbia	1	0	0	1
Florida	63	461	518	1042
Georgia	11	176	319	506
Hawaii	0	0	1	1
Idaho	1	108	112	221
Illinois	10	89	40	139
Indiana	3	89	243	335
Iowa	1	57	95	153
Kansas	3	63	136	202
Kentucky	15	80	189	284
Louisiana	2	75	171	248
Maine	3	40	50	93
Maryland	9	76	92	177
Massachusetts	2	100	24	126
Michigan	10	113	238	361
Minnesota	14	99	167	280
Mississippi	8	70	122	200
Missouri	18	149	205	372
Montana	4	64	94	162
Nebraska	0	34	83	117
Nevada	13	150	83	246
New Hampshire	6	88	69	163
New Jersey	1	9	18	28
New Mexico	12	69	77	158
New York	2	77	24	103
North Carolina	1	199	335	535
North Dakota	1	10	60	71
Ohio	4	213	316	533
Oklahoma	1	116	166	283
Oregon	1	107	152	260
Pennsylvania	19	193	310	522
Rhode Island	1	0	1	2
South Carolina	10	97	110	217
South Dakota	0	27	81	108
Tennessee	6	115	260	381
Texas	40	684	985	1709
Utah	3	141	110	254
Vermont	4	22	23	49
Virginia	49	184	301	534
Washington	6	124	125	255
West Virginia	9	42	85	136
Wisconsin	2	103	191	296
Wyoming	2	39	72	113
Total	470	5,716	7,806	13,992

Source: ATF's National Firearms Act Special Occupational Tax Database (NSOT)

Numbers represent qualified premises locations.

Fiscal Year	Dealer	Pawn-broker	Collector	Manufacturer of		Importer	Destructive Device			Total
				Ammunition	Firearms		Dealer	Manufacturer	Importer	
1975	146,429	2,813	5,211	6,668	364	403	9	23	7	161,927
1976	150,767	2,882	4,036	7,181	397	403	4	19	8	165,697
1977	157,463	2,943	4,446	7,761	408	419	6	28	10	173,484
1978	152,681	3,113	4,629	7,735	422	417	6	35	14	169,052
1979	153,861	3,388	4,975	8,055	459	426	7	33	12	171,216
1980	155,690	3,608	5,481	8,856	496	430	7	40	11	174,619
1981	168,301	4,308	6,490	10,067	540	519	7	44	20	190,296
1982	184,840	5,002	8,602	12,033	675	676	12	54	24	211,918
1983	200,342	5,388	9,859	13,318	788	795	16	71	36	230,613
1984	195,847	5,140	8,643	11,270	710	704	15	74	40	222,443
1985	219,366	6,207	9,599	11,818	778	881	15	85	45	248,794
1986	235,393	6,998	10,639	12,095	843	1,035	16	95	52	267,166
1987	230,888	7,316	11,094	10,613	852	1,084	16	101	58	262,022
1988	239,637	8,261	12,638	10,169	926	1,123	18	112	69	272,953
1989	231,442	8,626	13,536	8,345	922	989	21	110	72	264,063
1990	235,684	9,029	14,287	7,945	978	946	20	117	73	269,079
1991	241,706	9,625	15,143	7,470	1,059	901	17	120	75	276,116
1992	248,155	10,452	15,820	7,412	1,165	894	15	127	77	284,117
1993	246,984	10,958	16,635	6,947	1,256	924	15	128	78	283,925
1994	213,734	10,872	17,690	6,068	1,302	963	12	122	70	250,833
1995	158,240	10,155	16,354	4,459	1,242	842	14	118	71	191,495
1996	105,398	9,974	14,966	3,144	1,327	786	12	117	70	135,794
1997	79,285	9,956	13,512	2,451	1,414	733	13	118	72	107,554
1998	75,619	10,176	14,875	2,374	1,546	741	12	125	68	105,536
1999	71,290	10,035	17,763	2,247	1,639	755	11	127	75	103,942
2000	67,479	9,737	21,100	2,112	1,773	748	12	125	71	103,157
2001	63,845	9,199	25,145	1,950	1,841	730	14	117	72	102,913
2002	59,829	8,770	30,157	1,763	1,941	735	16	126	74	103,411
2003	57,492	8,521	33,406	1,693	2,046	719	16	130	82	104,105
2004	56,103	8,180	37,206	1,625	2,144	720	16	136	84	106,214
2005	53,833	7,809	40,073	1,502	2,272	696	15	145	87	106,432
2006	51,462	7,386	43,650	1,431	2,411	690	17	170	99	107,316
2007	49,221	6,966	47,690	1,399	2,668	686	23	174	106	108,933
2008	48,261	6,687	52,597	1,420	2,959	688	29	189	113	112,943
2009	47,509	6,675	55,046	1,511	3,543	735	34	215	127	115,395
2010	47,664	6,895	56,680	1,759	4,293	768	40	243	145	118,487
2011	48,676	7,075	59,227	1,895	5,441	811	42	259	161	123,587
2012	50,848	7,426	61,885	2,044	7,423	848	52	261	169	130,956
2013	54,026	7,810	64,449	2,353	9,094	998	57	273	184	139,244
2014	55,431	8,132	63,301	2,596	9,970	1,133	66	287	200	141,116
2015	56,181	8,152	60,652	2,603	10,498	1,152	66	315	221	139,840
2016	56,754	8,076	57,345	2,481	11,083	1,105	71	332	217	137,464
2017	56,638	7,871	55,588	2,259	11,946	1,110	78	357	234	136,081
2018	55,891	7,639	54,136	2,119	12,564	1,127	98	378	239	134,191
2019	53,924	7,341	52,446	1,910	13,044	1,109	129	391	252	130,546

Source: ATF Federal Firearms Licensing Center, Federal Licensing System (FLS). Data is based on active firearms licenses and related statistics as of the end of each fiscal year.

Exhibit 11. Federal Firearms Licensees by State 2019

State	FFL Population
Alabama	2,153
Alaska	848
Arizona	3,199
Arkansas	1,877
California	8,127
Colorado	2,933
Connecticut	1,760
Delaware	304
District of Columbia	30
Florida	6,936
Georgia	3,442
Hawaii	229
Idaho	1,467
Illinois	4,862
Indiana	2,754
Iowa	2,017
Kansas	1,757
Kentucky	2,246
Louisiana	1,986
Maine	888
Maryland	2,925
Massachusetts	4,006
Michigan	3,870
Minnesota	2,443
Mississippi	1,469
Missouri	4,362
Montana	1,487
Nebraska	1,120
Nevada	1,293
New Hampshire	1,161
New Jersey	482
New Mexico	1,042
New York	3,791
North Carolina	4,438
North Dakota	688
Ohio	4,434
Oklahoma	2,246
Oregon	2,183
Pennsylvania	6,106
Rhode Island	601
South Carolina	2,077
South Dakota	761
Tennessee	3,103
Texas	10,492
Utah	1,454
Vermont	527
Virginia	3,932
Washington	3,013
West Virginia	1,360
Wisconsin	2,894
Wyoming	854
Other Territories	117
Total	130,546

Source: ATF, Federal Firearms Licensing Center, Firearms Licensing System. Data is based on active firearms licenses and related statistics as of the end of the fiscal year.

Exhibit 12. Actions on Federal Firearms License Applications (1975 - 2019)

Fiscal Year	Original Application			
	Processed	Denied	Withdrawn ¹	Abandoned ²
1975	29,183	150	1,651	...
1976	29,511	209	2,077	...
1977	32,560	216	1,645	...
1978	29,531	151	1,015	414
1979	32,678	124	432	433
1980	36,052	96	601	661
1981	41,798	85	742	329
1982	44,745	52	580	370
1983	49,669	151	916	649
1984	39,321	98	706	833
1985	37,385	103	666	598
1986	42,842	299	698	452
1987	36,835	121	874	458
1988	32,724	30	506	315
1989	34,318	34	561	360
1990	34,336	46	893	404
1991	34,567	37	1,059	685
1992	37,085	57	1,337	611
1993	41,545	343	6,030	1,844
1994	25,393	136	4,480	3,917
1995	7,777	49	1,046	1,180
1996	8,461	58	1,061	629
1997	7,039	24	692	366
1998	7,090	19	621	352
1999	8,581	23	48	298
2000	10,698	6	447	91
2001	11,161	3	403	114
2002	16,100	13	468	175
2003	13,884	30	729	289
2004	12,953	18	572	235
2005	13,326	33	943	300
2006	13,757	35	898	234
2007	14,123	32	953	402
2008	15,434	21	1,030	291
2009	16,105	20	1,415	724
2010	16,930	32	1,467	380
2011	19,923	22	1,744	369
2012	20,977	28	2,252	358
2013	23,242	30	2,901	385
2014	17,816	27	2,192	444
2015	15,219	34	1,953	387
2016	15,853	16	2,165	307
2017	14,546	17	2,038	366
2018	14,054	17	1,913	377
2019	12,966	9	1,933	382

Source: ATF

¹An application can be withdrawn by an applicant at any time prior to the issuance of a license.

²If ATF cannot locate an applicant during an attempted application inspection or cannot obtain needed verification data, then the application will be abandoned.

Exhibit 13. Federal Firearms Licensees and Compliance Inspections (FY 1975-2019)

Fiscal Year	Inspections	Total Licensees	Percent Inspected	Licensed Business Entities ¹	Percent Inspected
1975	10,944	161,927	6.7%	156,716	7.0%
1976	15,171	165,697	9.1%	161,661	9.4%
1977	19,741	173,484	11.3%	169,038	11.7%
1978	22,130	169,052	13.1%	164,423	13.5%
1979	14,744	171,216	8.6%	166,241	8.9%
1980	11,515	174,619	6.5%	169,138	6.8%
1981	11,035	190,296	5.7%	183,806	6.0%
1982	1,829	211,918	0.8%	203,316	0.9%
1983	2,662	230,613	1.1%	220,754	1.2%
1984	8,861	222,443	3.9%	213,800	4.1%
1985	9,527	248,794	3.8%	239,195	4.0%
1986	8,605	267,166	3.2%	256,527	3.4%
1987	8,049	262,022	3.1%	250,928	3.2%
1988	9,283	272,953	3.4%	260,315	3.6%
1989	7,142	264,063	2.7%	250,527	2.9%
1990	8,471	269,079	3.1%	254,792	3.3%
1991	8,258	276,116	3.0%	260,973	3.2%
1992	16,328	284,117	5.7%	268,297	6.1%
1993	22,330	283,925	7.9%	267,290	8.4%
1994	20,067	250,833	8.0%	233,143	8.6%
1995	13,141	191,495	7.0%	171,577	7.7%
1996	10,051	135,794	7.4%	120,828	8.3%
1997	5,925	107,554	5.5%	94,042	6.3%
1998	5,043	105,536	4.8%	90,661	5.6%
1999	9,004	103,942	8.7%	86,179	10.4%
2000	3,640	103,157	3.5%	82,558	4.4%
2001	3,677	102,913	3.6%	77,768	4.7%
2002	5,467	103,411	5.2%	73,254	7.5%
2003	5,170	104,105	4.9%	70,699	7.3%
2004	4,509	106,214	4.2%	69,008	6.5%
2005	5,189	106,432	4.9%	66,359	7.8%
2006	7,294	107,316	6.8%	63,666	11.5%
2007	10,141	108,933	9.3%	61,243	16.6%
2008	11,100	112,943	9.8%	60,346	18.4%
2009	11,375	115,395	9.9%	60,349	18.8%
2010	10,538	118,487	8.9%	61,807	17.0%
2011	13,159	123,587	10.6%	64,360	20.4%
2012	11,420	130,956	8.7%	69,071	16.5%
2013	10,516	139,244	7.6%	74,795	14.1%
2014	10,437	141,116	7.4%	77,815	13.4%
2015	8,696	139,840	6.3%	79,188	11.0%
2016	9,790	137,464	7.1%	80,119	12.2%
2017	11,009	136,081	8.1%	80,493	13.7%
2018	10,323	134,191	7.7%	80,055	12.9%
2019	13,079	130,546	10.0%	78,100	16.7%

Source: ATF

¹ Does not include Collector of Curio and Relics (Type 03)